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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,789	09/05/2003	Thomas J. Foth	F-627	8969

7590 11/04/2008
Pitney Bowes Inc.
Intellectual Property & Technology Law Department
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484

EXAMINER

ANDERSON, FOLASHADE

ART UNIT	PAPER NUMBER
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3623

MAIL DATE	DELIVERY MODE
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11/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/656,789	Applicant(s) FOTH ET AL.
Examiner FOLASHADE ANDERSON	Art Unit 3623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-3, 6-22, & 31-34.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Andre Boyce/
Primary Examiner, Art Unit 3623

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant asserts that Cerwin (2002/0188497) and Shoemaker (2003/0167197) taken separately or together do not disclose or anticipate steps c, d and e of claim 1, see remarks page 9. Examiner respectfully disagrees.

The disclosed invention of Cerwin and Shoemaker is substantially similar to the claimed invention. Specifically, with respect to step c of claim 1 accessing a database that stores information about various users (0033; "stores the answers in the database", 0017; "plurality of databases which contain information about the company and the company's customer's") including weights assigned by the various users (0033; "provides various customer satisfaction scores (weights)" where the scores are based on the user's survey answers). With respect to step d of claim 1 Cerwin teaches accessing a database of information (0033; "the central computer...stores the answers (information) in the database", 0006 "system which provides immediate access to individualized survey results (information)" relating to relationships between an enterprise and other parties wherein said information includes a value of said relationship to said enterprise, a quality of said relationship to said enterprise (0027 "The survey ask questions in the area of customer (other parties)...questions concerning the customers (other parties) perception of the company (enterprise) in the areas of value, quality") and the weights assigned by the various users (0033; "the central computer automatically processes the survey answers and provides various customer satisfaction scores (weights)"). And with respect to step e of claim 1 if a record relating to said party exists in said database, providing information relating to a relationship between said enterprise and said party to said user (0006; "the present invention satisfies the need for a customer relationship measurement and management system which provides immediate access to individualized survey results").

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of Cerwin with the feature of where said user is requested to respond to a survey when said information is provided and said user's response to said survey is used to update said information as taught by Shoemaker et al., as both Cerwin and Shoemaker et al. are directed to the method for controlling a system for automatically generating and distributing information. The motivation for doing so would have been to update the information once a user responds to a survey.